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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,044	01/19/2005	Peter Drott	PCT10483US	3988
23122	7590	10/30/2006	EXAMINER	
RATNERPRESTIA			LEE, GILBERT Y	
P O BOX 980			ART UNIT	
VALLEY FORGE, PA 19482-0980			PAPER NUMBER	

3673

DATE MAILED: 10/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/522,044

Applicant(s)

DROTT ET AL.

Examiner

Gilbert Y. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 January 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed 9/11/06 has been entered.

Drawings

2. The drawings filed 1/19/05 are objected to by the draftsman. See the attached PTO-948 form.
3. The drawings are objected to because the radial apertures are not shown in detail. It is noted that the aperture is labeled as 8 in Fig. 1, however, it is unclear as to how 8 corresponds to the extension because it is off center. It is also unclear as to where the extension ends because the aperture labeled as 8 is off-centered from the extension. It is also unclear as to what the extra line connecting the outside lip and the aperture 8 in Fig. 1 is for. Furthermore, it is unclear as to what Fig. 1 is a "broken out and cross-sectional view" of since there are no corresponding Figures showing where a "broken out and cross-section view" is taken from. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary,

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the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 8-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 8 and 15 claim that the extension axially extends beyond the free ends of the first and second sealing lips. It is unclear to the examiner as to where the extension ends because Fig. 1 does not clearly depict what is claimed because the aperture 8 is off-centered from the extension.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

For reference characters A-D refer to the Examiner's Attachment A.

5. Claims 8-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Zollner (US Patent No. 4,602,791).

Regarding claim 8, the Zollner reference, as best understood, discloses a sealing collar (19 or 22) for a cylinder-and-piston unit (Col. 1, Lines 5-15), wherein the sealing collar is essentially received in a groove (e.g. groove of element 5 and 21 containing element 19) that is inserted into the cylinder (Fig. 2), and the sealing collar comprises two sealing lips (A and B), the first sealing lip (A) thereof being acted upon dynamically and making catch at the piston (Fig. 2), while the second sealing lip (B) thereof is acted upon statically and rests on a bottom (e.g. the surface of element 5 in contact with B) of the groove (Fig. 2), said first and second sealing lips each having a free end (Fig. 2),

wherein the sealing collar includes a circumferential extension (C) that extends in parallel to the sealing lips (Fig. 2), is arranged radially between the first sealing lip and the second sealing lip and projects from the sealing lips in an axial direction beyond the free ends of the first and second sealing lips (Fig. 2).

Regarding claim 9, the Zollner reference, as best understood, discloses the width of the groove being larger than the inside width (e.g. from the side of element 19 in

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contact with element 5 to the side of element 19 in contact with element 1 and parallel to the piston 6 in Fig. 2) of the sealing collar (Fig. 2).

Regarding claim 10, the Zollner reference, as best understood, discloses the second sealing lip (B). Note that the second lip of the Zollner reference is capable of being passed over by pressure fluid flow and hence provide the effect of a valve, because the structure as claimed in claim 1 is the same as the structure of the Nakamura reference.

Regarding claim 11, the Zollner reference, as best understood, discloses the extension having at least the same rate as the strength of the each of the lips (Fig. 2). Note that the seal of the Zollner reference is made of one material and since the extension has a thicker diameter, it will have a strength that is equal, if not greater, than the strength of the lips.

Regarding claim 12, the Zollner reference, as best understood, discloses the extension being provided with radial apertures (D). Note that the apertures are capable of allowing pressure fluid to pass through in a radial direction.

Regarding claim 13, the Zollner reference, as best understood, discloses the apertures being open in an axial direction towards the free end of the extension (Fig. 2).

Regarding claim 14, the Zollner reference, as best understood, discloses the extension being integrally connected to the sealing collar and being made of the same material (Fig. 2).

Regarding claim 15, the Zollner reference, as best understood, discloses a sealing collar (19 or 22) for a cylinder-and-piston unit (Col. 1, Lines 5-15), the sealing

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collar being configured for insertion into a groove (e.g. groove of element 5 and 21 containing element 19) extending in the cylinder-and-piston unit and comprising an outside sealing lip (B) and an inside sealing lip (A), the outside and inside sealing lips each having a free end (Fig. 2), the sealing collar further including a circumferential extension (C) that extends in parallel to the sealing lips (Fig. 2), being arranged radially between the outside sealing lip and the inside sealing lip and projecting axially beyond the free ends of the outside and inside sealing lips (Fig. 2), the circumferential extension being configured to contact a sidewall in the groove and maintain the free ends of the outside and inside sealing lips out of contact with the sidewall (Fig. 2).

Response to Arguments

6. Applicant's arguments with respect to claims 8-14 have been considered but are moot in view of the new ground(s) of rejection.

7. With regards to the applicant's arguments of the drawing objections, see above objection and attached PTO-948.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gilbert Y. Lee whose telephone number is 571-272-5894. The examiner can normally be reached on 8:00 - 4:30, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia L. Engle can be reached on (571)272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GL
October 23, 2006

A handwritten signature in black ink, appearing to read 'Patricia Engle', with a stylized, cursive script.

Patricia Engle
Supervisory Examiner
Tech. Center 3600